IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4533 OF 2006.

Nivrutii @ Savlaram Kashinath Kale .Applicant
V/s
The State of Maharashtra ..Respondent.

Mr. M.S. Karnik, Advocate for the appplicant

Mrs. M.H.Mhatre, APP for the State.

CORAM : J.H. BHATIA, J.

DATE : 7TH FEBRUARY, 2007.

P.C.

. Heard Mr. Karnik, learned Counsel for the applicant and Ms. Mhatre, learned APP for the State. Perused police papers.

2. The applicant seeks to be released on bail in Crime no. I-56/2006, registered at Yeola City Police Station for the offences punishable under section 302 and 201 of Indian Penal Code.

3. The prosecution case, in brief, is that the present accused and deceased Tarabai wife of Baban Satalkar were having illicit relations and this fact was

known to the people in the locality as well as to the husband of the deceased. On 14/8/2006 the applicant went to the house of Tarabai in absence of her husband and demanded sexual relationship, which she refused. At that time hot exchange of words had taken place and the accused had threatened to kill her, if she would not allow her to have sex with her. This fact was brought to the notice of her husband by herself. On 29/8/2006 in the evening her husband Baban came back to his house from his work and found that Tarabai was missing. Two days after the incident her dead body was found near a river at a long distance from her house. Post mortem report revealed that she had died due to asphyxia due to smothering. The accused/applicant was arrested on the same day. According to the prosecution, a rope and clothes of the accused were recovered from his house on the basis of information given by him. The prosecution does not go beyond that. There is no evidence to show that on 29/8/2006 the accused was lastly seen together with the deceased or that he was seen at her house or that he was seen in some suspicious circumstances along with the deceased or carrying any bundle which could be dead body. Investigation is already completed and charge-sheet is filed.

4. Taking into consideration the above circumstances, the accused is granted bail in the sum of Rs. 20,000/- with surety in like amount with conditions that he shall not tamper with the prosecution evidence and misuse the bail.

(J.H. BHATIA, J.)